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PATENT APPLICATION

SEP 16 2005

ATTORNEY DOCKET NO. 10007377 -1

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Curtis Timothy Gross

Confirmation No.: 5998

Application No.: 09/820591

Examiner: Sargon N Nano

Filing Date: Jul 31, 2001

Group Art Unit 2157

Title: Method And Apparatus For Providing Network Access To A Shared Image Projection Device

Mail Stop Appeal Brief-Patents  
Commissioner For Patents  
PO Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on July 18, 2005.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

( ) (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

( ) one month	\$120.00
( ) two months	\$450.00
( ) three months	\$1020.00
( ) four months	\$1590.00

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( ) The extension fee has already been filed in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

( ) I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450. Date of Deposit: \_\_\_\_\_

OR  
(X) I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number (571) 279-6500 on Sept 16, 2005

Number of pages: 21

Typed Name: Carrie McKeary

Signature: 

Respectfully submitted,

Curtis Timothy Gross

By 

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Curtis T. Gross	Examiner:	Sargon N. Nano
Serial No.:	09/920,591	Group Art Unit:	2157
Filed:	July 31, 2001	Docket No.:	10007377-1
Title:	Method and Apparatus for Providing Network Access to a Shared Image Projection Device		

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**APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is filed in response to the Final Office Action mailed April 20, 2005 and the Notice of Appeal filed on July 19, 2005.

**AUTHORIZATION TO DEBIT ACCOUNT**

It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's deposit account no. 08-2025.

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### **I. REAL PARTY IN INTEREST**

The real party-in-interest is the assignee, Hewlett-Packard Company, a Delaware Corporation having its principal place of business in Palo Alto, California.

### **II. RELATED APPEALS AND INTERFERENCES**

There are no known related appeals or interferences known to appellant, the appellant's legal representative, or assignee that will directly affect or be directly affected by or have a bearing on the Appeal Board's decision in the pending appeal.

### **III. STATUS OF CLAIMS**

Claims 1 – 23 are finally rejected. No claims are allowed. The rejection of claims 1 – 23 is appealed.

### **IV. STATUS OF AMENDMENTS**

No amendments were made after receipt of the Final Office Action. All amendments have been entered. A listing of pending claims appears in section VIII Claims Appendix.

### **V. SUMMARY OF CLAIMED SUBJECT MATTER**

The following provides a concise explanation of the subject matter defined in each of the claims involved in the appeal, referring to the specification by page and line number and to the drawings by reference characters, as required by 37 C.F.R. § 41.37(c)(1)(v). Each element of the claims is identified by a corresponding reference to the specification and drawings where applicable. Note that the citation to passages in the specification and drawings for each claim element does not imply that the limitations from the specification and drawings should be read into the corresponding claim element or that these are the sole sources in the specification supporting the claim features.

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**Claim 1**

An adapter (#10, FIG. 1) for providing network access to a shared image projection device (p. 4, lines 6 – 14; p. 6, lines 3 – 9), comprising:

a network interface (#28, FIG. 1) for connecting to a network and receiving network data from a network device over the network (p. 6, lines 26 – 33; p. 8, lines 1 – 26);

a client (#22, FIG. 1), operatively associated with the network interface, said client receiving data from the network interface and producing a data signal (p. 6, lines 15 – 19; p. 8, lines 15 – 21); and

a video display driver (#24, FIG. 1), operatively associated with the client, for providing video data to the shared image projection device, said video display driver receiving the data signal produced by the client and producing said video data (p. 6, lines 20 – 25; p. 8, lines 15 – 21).

**Claim 11**

A method for providing network access to a shared image projection device (#18, FIG. 1), comprising:

connecting the shared image projection device (#18, FIG. 1) to a network (#14, FIG. 1) via a network adapter (#10, FIG. 1: p. 4, line 6 – p. 5, line 2);

receiving network data at said network adapter, said network data being received from another device (#16, FIG. 1) which is connected to the network (p. 6, lines 10 – 19; p. 8, lines 15 – 21; FIG. 2B: p. 16, lines 25 – 27); and

outputting video data from said network adapter to the shared image projection device, in response to the network data, whereby the network data is then displayed via the shared image projection device (p. 6, lines 20 – 33; p. 8 lines 15 – 21; FIG. 2B: p. 16, line 27 – p. 17, line 7).

**Claim 17**

A system (FIG. 1), comprising:

a shared image projection device (#18, FIG. 1: p. 4, lines 15 – 26);

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an adapter (#10, FIG. 1) for providing network access to the shared image projection device (p. 4, lines 6 – 14; p. 6, lines 3 – 9), said adapter comprising:

a network interface (#28, FIG. 1) for connecting to a network and receiving network data from a network device over the network (p. 6, lines 26 – 33; p. 8, lines 1 – 26);

a client (#22, FIG. 1), operatively associated with the network interface, said client receiving data from the network interface and producing a data signal (p. 6, lines 15 – 19; p. 8, lines 15 – 21); and

a video display driver (#24, FIG. 1), operatively associated with the client, for outputting video data to the shared image projection device, said video display driver receiving the data signal produced by the client and producing said video data (p. 6, lines 20 – 25; p. 8, lines 15 – 21).

#### Claim 2

The adapter of claim 1, further comprising at least one computer readable storage media storing system configuration data (#36: FIG. 4), wherein said system configuration data allows the adapter to be identified on and accessed over the network (p. 6, lines 10 – 14; p. 9, lines 9 – 27).

#### Claim 10

The adapter of claim 1, wherein the adapter comprises the shared image projection device (p. 6, lines 3 – 9).

#### Claim 23

The system of claim 17, wherein said adapter is housed within said shared image projection device (p. 6, lines 3 – 9).

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# **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

**I. Claims 1-5, 10, 11, 13-23 are rejected under 35 U.S.C. §102(e) as being anticipated by USPN 6,288,753 (DeNicola).**

**II. Claims 8 and 9 are rejected under 35 USC § 103(a) as being unpatentable over DeNicola further in view of USPN 6,237,025 (Ludwig).**

# **VII. ARGUMENT**

The rejection of claims 1 – 23 is improper, and Applicant respectfully requests withdraw of this rejection.

The claims do not stand or fall together. Instead, Applicant presents separate arguments for various independent and dependent claims. Each of these arguments is separately argued below and presented with separate headings and sub-heading as required by 37 C.F.R. § 41.37(c)(1)(vii) as follows:

## **I. Claim Rejections: 35 USC § 102**

- A. Claims 1 and 3 – 7, with claim 1 selected for discussion.
- B. Claims 11 – 14 and 16, with claim 11 selected for discussion.
- C. Claims 17 – 19 and 21 – 22, with claim 17 selected for discussion.
- D. Claims 2, 15, and 20, with claim 2 selected for discussion.
- E. Claim 10.
- F. Claim 23.

## **II. Claim Rejections: 35 USC § 103**

- A. Claims 8 and 9.

## **I. Claim Rejections: 35 USC § 102**

Claims 1-5, 10, 11, 13-23 are rejected under 35 U.S.C. §102(e) as being anticipated by USPN 6,288,753 (DeNicola). This rejection is traversed.

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A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. See MPEP § 2131, also, *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983). Since DeNicola neither teaches nor suggests each element in claims 1-5, 10, 11, 13-23, these claims are allowable over DeNicola.

**A. Claims 1 and 3 - 7**

Each of these claims recites numerous limitations that are not taught or suggested in Leman. Claim 1 is selected for discussion.

Claim 1 recites an adapter comprising:

a client, operatively associated with the network interface, said client receiving data from the network interface and producing a data signal.

DeNicola does not teach or suggest an adapter that comprises this "client" element. The Office Action cites students (i.e., people) that access a virtual university of the Web server (see Final OA at p. 2; DeNicola at col. 11, lines 34-41). In other words, the Office Action cites human beings for teaching an element in an apparatus claim directed to an adapter. Per 35 USC § 101, claim 1 is directed to patentable subject matter of a "machine." The Office Action, however, is citing human beings to show elements in a claim directed to an adapter.

During patent examination, the claims must be given their broadest reasonable interpretation in light of the specification (see MPEP § 2111). Citing human beings to show elements in an apparatus claim is not a reasonable interpretation. In light of Applicant's specification, one of ordinary skill in the art would not interpret the claim element "client" to be a human being. The specification discusses and illustrates the use of the term "client" in numerous locations. As one example, the specification states:

The network adapter 10 may comprise a client 22, a video display driver 24, and a network interface 28, each of which may

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be embodied in hardware, firmware and/or software (i.e., hardware and/or computer readable program code). The firmware and/or software may be stored within one or more computer readable storage media located within the network adapter 10. (Page 6, lines 10-14).

Thus, the Office Action is not giving terms in claim 1 a reasonable interpretation consistent with the specification. In light of Applicant's specification, one of ordinary skill in the art would not interpret the claim term "client" to be a human being. For at least these reasons, DeNicola does not teach or suggest all the elements of claim 1. For at least these reasons, Applicant respectfully asks the Appeal Board to overrule the rejection.

Even assuming *arguendo* that the claim element of a "client" includes human beings (which it does not), DeNicola does not teach all of the recitations of claim 1. For example, claim 1 recites "a client ... producing a data signal." Human beings do not produce data signals in the context of claim 1. Machines produce such data signals.

As yet another example, claim 1 recites "a video display driver, operatively associated with the client, for providing video data to the shared image projection device." Here, the "client" element of the adapter is operatively associated with a video display driver to provide video data. The students (i.e., human beings) in DeNicola are not operatively associated with a video display driver to provide video data as claimed.

DeNicola does not teach or suggest all the elements of claim 1. For at least these reasons, Applicant respectfully asks the Appeal Board to overrule the rejection.

A dependent claim inherits the limitation of the base claim. The dependent claims are allowable for at least the reasons given in connection with independent claim 1.

#### **B. Claims 11 - 14 and 16**

Each of these claims recites numerous limitations that are not taught or suggested in Leman. Claim 11 is selected for discussion.

Claim 11 recites connecting the shared image projection device to a network via a network adapter. The Office Action cites DeNicola for teaching this recitation (see



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FOA at p.4 citing col. 10, line 65 – col. 11, line 4 and FIG. 4). This portion of DeNicola is reproduced below for convenience:

The Web server system 26 (FIG. 4) comprises, among other things, a Web site interface, an examination building/delivery/score tracking system 100 (FIG. 7), a client level account management system 200 (FIG. 9A), a student level account management system 300 (FIG. 9B), and a workbook building system 400 (FIG. 15), each of which will be discussed below. (DeNicola at col. 10, line 65 – col. 11, line 4).

Nowhere does this section of DeNicola teach or suggest connecting a shared image projection device to a network via a network adapter. This section of DeNicola does not even discuss or suggest connecting an image projection device to a network via a network adapter. Network adapters are not discussed at all in this section of DeNicola.

Thus, DeNicola does not teach or suggest all the elements of claim 11. For at least these reasons, Applicant respectfully asks the Appeal Board to overrule the rejection.

As another example, claim 11 recites three elements: connecting, receiving, and outputting. Each of these elements includes recitations regarding a network adapter. By way of example, claim 11 recites connecting the image projection device to a network via a network adapter, receiving network data at said network adapter, and outputting video data from said network adapter. Nowhere does DeNicola teach or suggest a method for providing network access to a shared image projection device wherein the method comprises the three recited elements regarding a network adapter. DeNicola does not even discuss a network adapter as claimed.

In an attempt to show the three elements of the claim 11, the Office Action selected various unrelated elements from DeNicola and provided a piece-meal construction. For example, to show the connecting element, the Office Action cites a Web server comprising a Web site interface (see OA at p. 4: DeNicola at col. 10, lines 65-67). Then, to show the outputting element, the Office Action cites several locations in DeNicola (see OA at p. 4: DeNicola at col. 8, lines 30-55, and col. 9, lines 3-15). These

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sections teach a video/audio communication link establishing connection between a video production studio and remote learning locations or classrooms (see DeNicola, Figure 1). This portion of DeNicola is unrelated to the Web server used by the Examiner to allegedly teach the connecting element.

Thus, DeNicola does not teach or suggest all the elements of claim 11. For at least these reasons, Applicant respectfully asks the Appeal Board to overrule the rejection.

A dependent claim inherits the limitation of the base claim. The dependent claims are allowable for at least the reasons given in connection with independent claim 11.

#### C. Claims 17 - 19 and 21 - 22

Each of these claims recites numerous limitations that are not taught or suggested in Leman. Claim 17 is selected for discussion.

First, claim 17 recites "an adapter for providing network access to the shared image projection device" (emphasis added). Thus, claim 17 positively recites the element of "an adapter" in the body of the claim. Nowhere does DeNicola teach or suggest an adapter. In fact, the Office Action has failed to even cite a location in DeNicola for teaching this element. Applicant respectfully asks the Appeal Board to view page 6 of the OA dated 10/21/04 and Final OA dated 04/20/05. At these locations, the Office Action acknowledges the "adapter" as a claim element, but does not provide any location in DeNicola for teaching or suggesting this element. In other words, the Office Action ignores the claimed element of "an adapter" positively recited in the body of claim 17.

Thus, DeNicola does not teach or suggest all the elements of claim 17. For at least these reasons, Applicant respectfully asks the Appeal Board to overrule the rejection.

Second, claim 17 recites the elements of a network interface, a client, and a video display driver as recited in claim 1. Thus, for at least the arguments given hereinabove in connection with claim 1, independent claim 17 is allowable over DeNicola.

A dependent claim inherits the limitation of the base claim. The dependent claims are allowable for at least the reasons given in connection with independent claim 17.

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#### **D. Claims 2, 15, and 20**

Each of these claims recites numerous limitations that are not taught or suggested in *Leman*. Claim 2 is selected for discussion.

DeNicola does not teach or suggest all the elements of claim 2. For example, claim 2 recites that the adapter comprises computer readable storage media storing system configuration data. Nowhere does DeNicola teach or suggest that an adapter comprises computer readable storage media storing system configuration data. DeNicola does not even discuss or suggest adapters.

The Office Action cites DeNicola (col. 5, line 62 – col. 6, line 5) for teaching this recitation. Applicant respectfully disagrees. This section of DeNicola teaches providing on-line workbooks to remotely-located users. In fact, even the Office Action characterizes this section as teaching “the storing of course material in a database where it can be accessed by remotely located end user” (see Final OA at p. 3). A database is not an adapter. Nowhere does DeNicola teach or suggest that an adapter comprises computer readable storage media storing system configuration data.

Thus, DeNicola does not teach or suggest all the elements of claims 2, 15, and 20. For at least these reasons, Applicant respectfully asks the Appeal Board to overrule the rejection.

#### **E. Claim 10**

Applicant respectfully asks the Appeal Board to read claim 10 in conjunction with claim 1. As recited in claim 1, the adapter comprises three separate elements: a network interface, a client, and a video display driver. The adapter provides network access to a shared image projection device. Claim 10 then recites that the adapter comprises the shared image projection device. Nowhere does DeNicola teach or suggest this arrangement of elements.

The Office Action cites DeNicola (col. 9, lines 3 – 16) for teaching this recitation. Applicant respectfully disagrees. This section of DeNicola teaches each remote location has a camera, a display, and a computer. Nowhere does this section teach or even suggest that an adapter providing access to a network comprises a shared image projection device.

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Thus, DeNicola does not teach or suggest all the elements of claim 10. For at least these reasons, Applicant respectfully asks the Appeal Board to overrule the rejection.

#### **F. Claims 23**

Applicant respectfully asks the Appeal Board to read claim 23 in conjunction with claim 17. As recited in claim 17, the adapter comprises three separate elements: a network interface, a client, and a video display driver. The adapter provides network access to a shared image projection device. Claim 23 then recites that the adapter is housed within the shared image projection device. Nowhere does DeNicola teach or suggest this arrangement of elements.

The Office Action cites DeNicola (col. 9, lines 3 – 16) for teaching this recitation. Applicant respectfully disagrees. This section of DeNicola teaches each remote location has a camera, a display, and a computer. Nowhere does this section teach or even suggest that an adapter providing access to a network is housed within a shared image projection device.

Thus, DeNicola does not teach or suggest all the elements of claim 23. For at least these reasons, Applicant respectfully asks the Appeal Board to overrule the rejection.

#### **II. Claim Rejections: 35 USC § 103**

Claims 8 and 9 are rejected under 35 USC § 103(a) as being unpatentable over DeNicola further in view of USPN 6,237,025 (Ludwig). Applicant respectfully traverses.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. § 2143. Applicant asserts that the rejection does not satisfy these criteria.

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**A. Claims 8 and 9**

Claims 8 and 9 depend from claim 1 and, thus, inherit all the limitations of claim 1. As noted above in Section I (see A. Claims 1 and 3-7), DeNicola does not teach or suggest all the recitations in claim 1. Ludwig fails to cure the deficiencies of DeNicola. For at least these reasons, claims 8 and 9 are allowable over DeNicola further in view of Ludwig.

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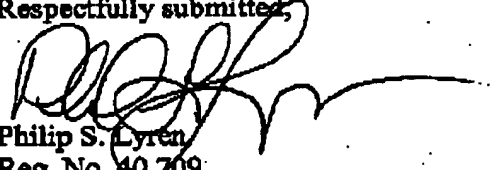
### CONCLUSION

In view of the above, Applicant respectfully requests the Board of Appeals to reverse the Examiner's rejection of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. (281) 514-8236, Facsimile No. (281) 514-8332. In addition, all correspondence should continue to be directed to the following address:

**Hewlett-Packard Company**  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, Colorado 80527-2400

Respectfully submitted,

  
Philip S. Lyren  
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Ph: 281-514-8236

#### CERTIFICATE UNDER 37 C.F.R. 1.8

The undersigned hereby certifies that this paper or papers, as described herein, is being transmitted to the United States Patent and Trademark Office facsimile number 571-273-8300 on this 16<sup>th</sup> day of September, 2005.

By   
Name: Carrie McKerley

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### VIII. Claims Appendix

1. (original) An adapter for providing network access to a shared image projection device, comprising:
  - a network interface for connecting to a network and receiving network data from a network device over the network;
  - a client, operatively associated with the network interface, said client receiving data from the network interface and producing a data signal; and
  - a video display driver, operatively associated with the client, for providing video data to the shared image projection device, said video display driver receiving the data signal produced by the client and producing said video data.
2. (original) The adapter of claim 1, further comprising at least one computer readable storage media storing system configuration data, wherein said system configuration data allows the adapter to be identified on and accessed over the network.
3. (original) The adapter of claim 2, further comprising display apparatus, said display apparatus displaying at least a portion of said system configuration data.
4. (original) The adapter of claim 2, wherein said at least one computer readable storage media comprises a nonvolatile memory.
5. (original) The adapter of claim 1, further comprising a server, said server allowing said adapter to host a meeting for which the shared image projection device is being used.
6. (original) The adapter of claim 1, wherein said client comprises a T.120 client.
7. (original) The adapter of claim 1, wherein the network data comprises a T.120 data packet within an 802.3 wrapper, wherein said network interface removes the 802.3 wrapper from the T.120 data packet, and wherein said client receives the T.120 data packet without the 802.3 wrapper.

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8. (original) The adapter of claim 1, further comprising a hang-up switch, said hang-up switch terminating a connection between a network device and said adapter when said hang-up switch is activated.

9. (original) The adapter of claim 1, further comprising a status indicator, said status indicator indicating the status of said adapter.

10. (original) The adapter of claim 1, wherein the adapter comprises the shared image projection device.

11. (original) A method for providing network access to a shared image projection device, comprising:

connecting the shared image projection device to a network via a network adapter;  
receiving network data at said network adapter, said network data being received from another device which is connected to the network; and

outputting video data from said network adapter to the shared image projection device, in response to the network data, whereby the network data is then displayed via the shared image projection device.

12. (original) The method of claim 11, wherein the network data comprises a T.120 data packet within an 802.3 wrapper; the method further comprising removing the 802.3 wrapper from the T.120 data packet after the network data is received by the network adapter.

13. (original) The method of claim 11, further comprising setting system configuration data for said network adapter, said system configuration data allowing said network adapter to be identified on and accessed over the network.

14. (original) The method of claim 13, further comprising displaying at least a portion of said system configuration data.



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15. (original) The method of claim 13, further comprising:  
    providing said network adapter with at least one computer readable storage media; and  
    storing said system configuration data within said at least one computer readable storage media.
16. (original) The method of claim 11, further comprising registering said network adapter with a directory server.
17. (original) A system, comprising:  
    a shared image projection device;  
    an adapter for providing network access to the shared image projection device, said adapter comprising:  
        a network interface for connecting to a network and receiving network data from a network device over the network;  
        a client, operatively associated with the network interface, said client receiving data from the network interface and producing a data signal; and  
        a video display driver, operatively associated with the client, for outputting video data to the shared image projection device, said video display driver receiving the data signal produced by the client and producing said video data.
18. (original) The system of claim 17, further comprising:  
    a host computer for hosting a meeting for which the shared image projection device is being used; and  
    a configuration program operatively associated with said host computer and said adapter, said configuration program accessing said adapter to set system configuration data, said system configuration data allowing said adapter to be identified on and accessed over the network.

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19. (original) The system of claim 18, wherein said host computer comprises at least one computer readable storage media; and wherein said configuration program comprises computer readable program code stored within the at least one computer readable storage media of said host computer.

20. (original) The system of claim 18, wherein said adapter further comprises at least one computer readable storage media; and wherein said system configuration data is stored within the at least one computer readable storage media of said adapter.

21. (original) The system of claim 18, wherein said adapter further comprises a nonvolatile memory; and wherein said system configuration data is stored within the nonvolatile memory of said adapter.

22. (original) The system of claim 17, wherein said shared image projection device is a data projector.

23. (original) The system of claim 17, wherein said adapter is housed within said shared image projection device.

24. (canceled)

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**IX. EVIDENCE APPENDIX**

None.

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**X. RELATED PROCEEDINGS APPENDIX**

None.